

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: R.B. Hutchison et al. Attorney Docket No.: ECHG116755  
Application No.: 09/755657 Art Unit: 3687 / Confirmation No: 6405  
Filed: January 5, 2001 Examiner: A.J. Rudy  
Title: METHOD AND APPARATUS FOR ORDERING GOODS, SERVICES  
AND CONTENT OVER AN INTERNETWORK

RESPONSE TO ADVISORY ACTION ISSUE

Seattle, Washington 98101  
November 20, 2008

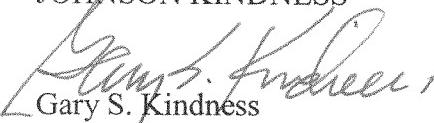
TO THE COMMISSIONER FOR PATENTS:

The Advisory Action mailed November 20, 2008, in the above-identified application noted that there is nothing in the record to affirm that a "900" telephone number equates to a "premium telephone number" recited in the current claim language. The Advisory Action also noted that this item would have to be addressed in order for the above-identified application to have the benefit of Application No. 09/064,797.

In response, applicants direct attention to the attached "Premium-Rate Telephone Number" article downloaded from Wikipedia, the free encyclopedia. This article clearly shows that "900" numbers are equatable to "premium telephone numbers." If the Examiner feels that the term "premium telephone number" or, more precisely, "premium-rate telephone number" should be added to the specification and the claim language changed to premium-rate telephone number, applicant will be pleased to submit a suitable amendment or authorize the Examiner to do so via an Examiner's amendment.

Respectfully submitted,

CHRISTENSEN O'CONNOR  
JOHNSON KINDNESS<sup>PLLC</sup>

  
Gary S. Kindness  
Registration No. 22,178  
Direct Dial No. 206.695.1702

GSK:aew

LAW OFFICES OF  
CHRISTENSEN O'CONNOR JOHNSON KINDNESS<sup>PLLC</sup>  
1420 Fifth Avenue  
Suite 2800  
Seattle, Washington 98101  
206.682.8100

# Premium-rate telephone number

From Wikipedia, the free encyclopedia

**Premium-rate telephone numbers** are telephone numbers for telephone calls during which certain services are provided, and for which prices higher than normal are charged. Unlike a normal call, part of the call charge is paid to the service provider, thus enabling businesses to be funded via the calls. While the billing is different, calls are usually routed the same way they are for a toll-free telephone number, being anywhere despite the area code used. These telephone numbers are usually allocated from a national telephone numbering plan in such a way that they are easily distinguished from other numbers. Telephone companies typically offer blocking services to allow telephone customers to prevent access to these number ranges from their telephones. In some states, telephone companies are required by state law to offer such blocking.

In the United Kingdom, these numbers are issued to service providers through the regulatory body PhonepayPlus (originally known as ICSTIS, the Independent Committee for the Supervision of Standards of Telephone Information Services) to ensure certain community standards are adhered to both in terms of content and price. Charges are presented as part of the normal telephone bill.

Other UK numbers -- notably 0870 and 0871 -- are also charged at higher than standard rates. These have not technically been classed as *premium rate numbers*, but due to public disquiet over the charges, particularly for 0870<sup>[1]</sup>, the regulations and prices for these numbers are being changed: 0871 is to be reclassified as *premium rate*, with all the regulations this status entails, while 0870 is still under review, though price and regulatory changes have both been suggested.

Adult chat lines (phone sex) and tech support are a very common use of premium-rate numbers. Other services include directory enquiries, weather forecasts, competitions and voting (especially relating to television shows). Diplomatic services, such as the US embassy in London or the UK Embassy in Washington, have also charged premium rates for calls from the general public.

Computer criminals have used premium-rate numbers to defraud unsuspecting Internet users. One scheme involved inducing users to download a program known as a dialer that surreptitiously dialed a premium-rate number, accumulating charges on the user's phone bill without their knowledge. Another now-uncommon premium-rate scam involves television programming that induces young children to dial the number, banking on the notion that they will be unaware of the charges that will be incurred. One variant, targeted at children too young to dial a number, enticed children to hold the phone up to the television set while the DTMF tones of the number were played. This type of scam was especially popular in the late '80s to early '90s in the United States before tougher regulations on the 900 number business forced many of these businesses to close.<sup>[2]</sup>

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## North America

A 1-900 telephone number, in the North American Numbering Plan, usually has the form 1-900-###-####, as is often called a **900 number** or a **1-900 number** ("one-nine-hundred"). Area Code 900 was first known to have been used in the United States in March 1977, for incoming calls to a nationwide talk radio broadcast featuring the newly elected President Jimmy Carter, hosted by anchorman Walter Cronkite. At that time, the 1970s, the intent for area code 900 was as a code that blocked large numbers of simultaneous callers from jamming up the long distance network. Numbers with the 900 area code were those which were expected to have a huge number of potential callers, and the 900 area code was screened at the local level to allow only a certain number of callers to completely access the nationwide long distance network for reaching the actual number. Also, the 1970s version of 900 was not billed at premium-rate charges, but rather at regular long distance charges based on the time-of-day and day-of-week that the call was placed. The number used for the radio program was one that was specially arranged by AT&T, CBS Radio, and the White House, to be free to the calling party. However, by 1980, the 900 area code was completely restructured by AT&T to be the premium-rate special area code which it remains today.

Earlier, **976 numbers** used 976 as a local prefix, though it was not assigned to a specific telephone exchange like other prefixes. These numbers were dialed as any other local number, such as 976-1234.

A call to either one of these numbers can result in a high per-minute or per-call charge. For example, a "psychic hotline" type of 1-900 number may charge \$2.99 for the first minute and 99 cents for each additional minute.

Initially, consumers had no choice regarding the accessibility to 900/976 numbers on their phones. However, in 1987, after a child had accumulated a bill of \$17,000, the California Public Utilities Commission subsequently required phone companies to give customers an option to prevent the dialing of 900/976 numbers.

In the early 1980s through the early 1990s, it was common to see commercials promoting 1-900 numbers to children featuring such things as characters famous from Saturday morning cartoons to Santa Claus. Due to complaints from parent groups about kids not knowing the dangers of such calls, such commercials ceased to air on television during the mid-1990s.

900 numbers used for adult entertainment lines was a prevalent practice in the early years of the industry. This practice continues, along with the use of these numbers for things such as software technical support, banking access, and stock tips. Adult entertainment 900 numbers have been largely absent from AT&T and MCI since 1991 (except for a short time in 2000 when AT&T "looked the other way" in regards to adult services); the industry still suffers from the stigma attached to the early days of the industry when television had an onslaught of late-night television commercials with girls in hot tubs. In most cases, however, the caller got much less than he thought he was bargaining for.

Some uses of 1-900 numbers:

- video game and crossword puzzle tips
- horoscopes/psychics
- dating and party lines
- voting (e.g. for TV shows)
- contests
- recent winning numbers (i.e. New Jersey Lottery)
- gambling tips
- phone sex
- Weather information (The Weather Channel)
- Professional wrestling hotlines
- Secret confessions

AT&T has confirmed that the Hulk Hogan Hotline was the most lucrative 900 line in the United States from 1991 through 1993. Other early leaders in amassing huge volumes of revenue were the New Kids on the Block and Dionne Warwick's "Psychic Friends Network".

Sometimes, these have 800 number standards, but charge a toll.

Consumers in the US have specific rights regarding 900 number calls, as laid down by the Federal Trade Commission. [1] (<http://www.ftc.gov/bcp/conline/pubs/tmarkg/nine.htm>)

Most media who sponsor 900 number programs do so by working through a 900 number service bureau. A 900 number service bureau works through the carriers to gain approval for the 900 number program, then operates the equipment that processes the consumer's 900 number calls. MCI is currently the only 900 number provider in the United States that provides both transport and billing for 900 numbers. In an effort to keep its overhead down, MCI maintains relationships with only four service bureaus in the country who have direct billing relationships -- MVA (<http://www.mva.com>) , ICN (<http://www.icnltd.com>) , Spark Network Services (<http://www.sparkns.com>) , and Advanced Telecom Services (<http://www.advancedtele.com>) .

## Mexico

Premium rate numbers in Mexico are served by Telmex and start with the dialing prefix 01-900, where 01 is the domestic long distance prefix and 900 is the premium-rate area code. These numbers are usually used for the same purposes as in the USA, and most American consulates in Mexico use a premium-rate number.

## South America

### Argentina

Telephone numbers of the form 0600-xxx-xxxx and 0609-xxx-xxxx are premium rate numbers. The 0609 series is for entertainment (fixed rate), while 0600 is for services (the rate depends on the particular number).

### Brazil

In Brazil, there is only one premium prefix: 0500, and this number is only used by Brazilian Internal Revenue Service (Receita Federal) to file for the Annual Federal Income Tax exemption, charged at a premium rate per call (not per minute).

A long time ago, 0900 was available, but now is no longer allowed. As there are no longer premium numbers, TV shows now use mobile numbers to receive calls and generate revenue to their program.

## Europe

### Austria

The 0900 prefix is used for premium rate numbers that charge per minute and the 0901 prefix is used for premium rate numbers that charge by call. For adult content the prefix is 0930 for per minute tariffs and 0931 for event based tariffs.

## **Belgium**

Premium rate numbers in Belgium have the area codes 0900, 0901, 0902 and 0903 (the higher the number, the higher the price per minute).

## **Croatia**

The 060 prefix is used for premium rate numbers in Croatia.

## **Czech Republic**

Numbers starting with 900, 906, 909 and 976 are premium rate numbers. Other numbers beginning with "9" are allocated to certain organizations, such as 972 (Czech railways), 973 (Ministry of Defense), 974 (Ministry of Interior), 95x (other Ministries, government organizations, certain commercial subjects).

## **Denmark**

Premium rate numbers in Denmark have the area codes 9013, 9050 and 9055/9056. The 9013 is for helplines and chat services, the 9050 (paid per call) is for TV Call-in Shows and the 9055/9056 codes are for charitable organizations.

However, the regulation is very strict. TDC (<http://www.tdc.dk>) is the only carrier offering these numbers, with kwak Telecom (<http://premium-rates.com/premium-rate-denmark/>) offering numbers internationally. The regulator can be found at <http://www.itst.dk/>, a shortened English regulation is available here: Short Denmark Regulation (<http://www.premium-rates.com/countries/denmark/denmarkregulation.pdf>).

## **Finland**

Numbers starting with 0700 and 0600 are premium rate numbers. The 0700 series is for entertainment, while 0600 is for services. Several other premium codes exist, sometimes confusing consumers, who may not know if they are calling a premium number or not.

The Finnish Consumers' Association has repeatedly denounced the use of premium rate numbers.<sup>[3]</sup>

## **France**

Numbers starting with 08xx are special rate numbers. They range from toll free numbers (080x) to premium numbers (089x) (called Audiotel by France Telecom). There are also various moderately priced numbers (from about 0.03 to 0.15 €/minute) in the 081x and 082x ranges. Most of these numbers are not reachable from outside France.

There are also special 4 digits numbers in the form of 32xx, for which billing rules can be the ones from any 08xx number, to the provider's choice.

The split rule between different premium rate numbers is not clearly defined (premium rate information numbers and premium rate entertainment numbers).

The regulator (ARCEP, previously ART) has also issued new range for Telephony over xDSL in the 087x range which might confuse consumers, as calls to these numbers are billed as local calls nationwide. They will be superseded by the 09xx range in the future.

## **Germany**

Dedicated premium-rate lines nowadays begin with the prefix 0900, the infamous 0190 prefix having been terminated on

December 31, 2005. However, some premium services also use lines with the prefix 0137, which is supposedly reserved for planned simultaneous call-in events, such as televoting.

## Greece

Premium numbers in Greece start with 901 (general purpose) and 909 (adult-only services but not active since all adult services operate in the 901 range), followed by seven digits.

## Ireland

Premium rate numbers begin with the prefix 15. These numbers provide a range of services from weather forecasting to adult dating. 1559 numbers are reserved solely for sex lines, and require a PIN, issued by your network operator, to access.

All 15x numbers have officially quoted rates, set by the prefix, although telecom providers can charge an additional fee for carrying the call. 151x numbers are charged on a per-call basis, all others on a per-minute basis. In general the prices increase as the prefix number increases, within the call type range.

Regtel (<http://www.regtel.ie/>) is a body which monitors the premium rate services industry in Ireland. Although an independent body, it can impose sanctions, ban advertisements and ban services offered by providers. It is funded by a levy on providers.

## Italy

There are many premium rate numbers, including 144 (disabled by default), 166, 199, 892, 899, using different fares. 0878 is also a premium-rate number, reserved for polls run via telephone.

## Netherlands

Premium numbers in The Netherlands start with 0900 (general purpose), 0906 (erotic entertainment) and 0909 (games and lotteries) followed by four or seven digits. When one dials such a *nulnegenhonderd nummer* it is enforced by law that the caller gets informed about the per minute rate. The Opta is the governing body that regulates premium rate services in the Netherlands.

## Norway

Any telephone number starting with 82 (mostly 820/829) is charged at premium rates (82x xx xxx).

## Poland

Numbers starting with 70, 30 and 40 are reserved for premium-rate services. 700, 701, 707 and 300 are "general" premium-rate services (usually charged per minute), 707 and 400 are assigned for tele-voting, mass-calls and so on (usually charged per call). Other numbers (702-706, 709, 301-309, 401-409) are reserved for future assignments. There are some other numbers in "shared costs" or "dial-up services" ranges, which are charged at a quite high rates (comparable with lower cost premium rates): 8015, 8016, 207, 208.

Effective on December 1, 2008, 300 and 400 numbers are changed into 703 and 704 respectively, freeing up the whole 30x and 40x range for the future assignments (non-premium rate). This change will allow to accumulate all the premium rate services in the 700-709 range of numbers.

## Romania

Premium numbers are in the 090xxxxxx-098xxxxxx range. Currently, only the 0900 block is used. [2] ([http://www.anrc.ro/admin/Portal/LinkClick.aspx?tabid=230&table=Links&field=ItemID&id=95&link=decizie+2002\\_140.doc](http://www.anrc.ro/admin/Portal/LinkClick.aspx?tabid=230&table=Links&field=ItemID&id=95&link=decizie+2002_140.doc)). Prior to 2002, all numbers starting with 89 were premium rate numbers. Some of those number remain as local premium numbers, and the 02xx89xxxx block remains reserved.

## Russia

809 is probably the only premium prefix. Note that usually in Russia one needs to dial 8 before the area code, so premium numbers are usually written as 8-809-xxx-xxxx

## Slovenia

The 090 prefix is used for premium rate numbers in Slovenia.

## Spain

In Spain, the charged-at-premium numbers begins with 80 or 90 (except the 800, 900 and 909, which are free, the 901 which is shared cost, the 902 which is like a provincial call and the 908 which is like a metropolitan call). The most popular prefixes are 803 (porn hot-lines) and 806 (services), also are used 807 and 905. Previously all the numbers starting with 90x (except 900, 901 and 902) were charged at premium rates but the 906 had been moved to 803, 806 and 807 and the 908 and 909 prefixes were created for Internet dialup services. All those numbers have 9 digits.

Also there are other range for information services (weather, white pages, etc...), there are all the numbers starting with 118, they can have 5 or 6 digits with a variable cost per number. 11823 is free from Telefónica's telephone cabins. Previously 11823 was 1003.

## Sweden

Numbers starting with 0900, 0939 and 0944 are premium rate numbers.

## Switzerland

Numbers starting with 0900, 0901 and 0906 are premium rate numbers.

- 0900 - Business & Marketing
- 0901 - Entertainment
- 0906 - Erotic services

See also Bundesamt für Kommunikation (<http://www.bakom.admin.ch/dienstleistungen/info/00542/00543/00561/index.html>)

## United Kingdom

Any telephone number starting 09xx is charged at premium rates, in a similar fashion to a 900 number in North America. Previously the main virtual prefixes for premium rate phone calls were 0898 and 0891 along with some others (such as 0331, 0660, 0897). In the 1980s, when premium rate was introduced, the main prefixes were 0055, 0066 and 0077. Premium rate services in the UK can range from £0.10/min up to £1.50/min. Drop charge rates are also available which can cost the caller £0.10/call up to £1.50/call.

PhonepayPlus (originally called ICSTIS) is the governing body that regulates premium rate services in the UK. They are responsible for investigating complaints, and to ensure that information and service providers comply with a Code of Conduct. Although an independent body, PhonepayPlus can impose sanctions upon providers found to be in breach of the Code of Practice, including a levy and a ban on the service.

Late night TV game shows in the UK such as the Mint, and also BBC's Blue Peter and Channel Four's Richard & Judy programme, were recently (early-to-mid 2007) investigated for phone call irregularities relating to premium rate dialled numbers<sup>[4]</sup>.

## Oceania

### Australia

In Australia, premium rate numbers generally begin with the prefix 19<sup>[5]</sup>, with premium-rate voice services using the prefix

**190x**. Of these 1900 was the initial prefix and is the most common; since then 1901 and 1902 have also been allocated. The 1901 prefix is specifically reserved for "restricted services", where a user must register with the provider of the service on that number - these can include services of a sexual nature, although this is not the only definition of "restricted". The prefix **1906** is reserved for premium-rate paging services.

Other numbers beginning with **19** are generally used for premium rate short message service (SMS) services on mobile phones. These were originally trialled using the **188** prefix.

Previously (before the introduction of eight digit numbering), the prefix **0055** was used for this purpose, and as a result 190x numbers are occasionally referred to colloquially as *0055 numbers* (pronounced double-oh, double-five).

## New Zealand

In New Zealand, the prefix starts with 0900. The service is used by phone sex companies and charitable organizations.

## Using international-rate calls as premium-rate numbers

As an alternative to official premium-rate numbers, service operators have been known to use kickbacks from high-rate international call tariffs to charge for their services. In these cases, the calls may never leave the country of origin, even though the number has a country calling code (or an NANP area code) specifying a country with high incoming call rates. Other ideas include partnering with small telephone companies who are allowed to charge high call termination fees for incoming long distance calls per government regulations which mark the serving area of the small phone company as rural/high cost. Since most if not all long distance in the USA is a single rate regardless of terminating exchange for customers (but not for long distance companies, as each interconnection agreement is different), these services are "free" for the calling customers[3] (<http://gigaom.com/2007/04/18/fcc-att-iowa-free-calling/>).

Since these kinds of numbers have confused international jurisdiction, they are also sometimes used for fraud.

## Notes

1. ^ "SayNoTo0870.com (<http://www.saynoto0870.com>) ". Saynoto0870.com. Retrieved on 2008-03-06.
2. ^ Jane and Michael Stern, *Jane & Michael Stern's Encyclopedia of Pop Culture: An A to Z Guide to Who's Who and What's What, from Aerobics and Bubble Gum to Valley of the Dolls* (1992).
3. ^ "Consumer watchdog dreams up another free lunch" (2008-04-25). *blog.anta.net*. ISSN 1797-1993. Retrieved on 2008-04-25.
4. ^ BBC News - The phone-in shows under scrutiny (<http://news.bbc.co.uk/1/hi/entertainment/6446841.stm>)
5. ^ "Telecommunications Numbering Plan 1997 (<http://www.comlaw.gov.au/comlaw%5Cmanagement.nsf/lookupindexpagesbyid/IP200506356?OpenDocument>) ". Retrieved on 2008-04-28.

## See also

- Telecommunications tariffs

Retrieved from "[http://en.wikipedia.org/wiki/Premium-rate\\_telephone\\_number](http://en.wikipedia.org/wiki/Premium-rate_telephone_number)"

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